

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:

EXDS, Inc. (f/k/a EXODUS
COMMUNICATIONS, INC.), et al.,

Debtor

EXDS, Inc.,

Plaintiff,

v.

DEVCON CONSTRUCTION, INC., et al.,

Defendants.

Case No.: C 05-0787 PVT

**ORDER GRANTING IN PART EXDS'
ADMINISTRATIVE REQUEST FOR
LEAVE TO FILE REPLY**

On May 27, 2005, Plaintiff EXDS, Inc., (“EXDS”) filed an administrative request for leave to file a reply to Defendant Devcon Construction, Inc.’s (“Devcon”) supplemental brief in support of its motion for partial summary judgment.¹ Devcon opposed the request. Based on the request and opposition thereto,

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

IT IS HEREBY ORDERED that EXDS' request is GRANTED IN PART. No later than June 6, 2005, EXDS may file a supplemental reply to Devcon's supplemental brief with regard to the issue of ratification only. Because the court did not authorize Devcon to submit further briefing on the issue of actual authority, the court will not consider that portion of Devcon's supplemental brief.² EXDS' supplemental reply shall be no longer than 5 pages.

Dated: 6/2/05

/s/ Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

United States District Court

For the Northern District of California

² Based on the record before the court, it is undisputed that Ms. Freed had some degree of authority to act on EXDS' behalf. The court's inquiry was, if she acted beyond the scope of her authority, were her actions nonetheless ratified by EXDS?